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REMARKS

Claims 1-26 are currently pending in the patent application. The Examiner has objected to Claims 1, 3, 13, 15, and 26 as indefinite; has rejected Claims 1 and 2 under 35 USC 102(e) as being anticipated by Walker patent 6,119,100; and has rejected Claims 3-26 under 35 USC 103(a) as being unpatentable over Walker patent 6,119,100 in view of Walker patent 6,052,667 (hereinafter "Walker '667"). For the reasons set forth below, Applicants believe that the claims are allowable over the cited art.

With regard to the rejection of Claim 1 as indefinite, Applicants respectfully submit that a "process" is used appropriately. While Applicants believe that a "process" is appropriately used as a noun, and is well understood in the relevant art as an application, a business method function, or processing component, Applicants have nonetheless amended the claim language.

With regard to the rejections of Claims 3 and 15 as being indefinite because the claims recites a component and step for automatically identifying time-sensitive inventory as part of the sell off component and step, Applicants

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respectfully point out that Claims 3 and 15 recite automatically identifying the time-sensitive inventory for sell off, while the claims from which they depend (Claims 1 and 13) recite the means and steps for identifying time-sensitive inventory to be offered for selective sale. Automatically identifying time-sensitive inventory for sell off and identifying time-sensitive inventory for selective sale are two different determinations, the former being an automatic function of the inventory software, and the latter being a determination that may be done either manually or automatically by a different entity. Accordingly, Applicants maintain that the two sets of claims are appropriate.

With regard to Claims 13 and 26, Applicants again respectfully contend that the submitted language is appropriate. The method steps which are clearly recited include the steps of identifying, offering, handling communications, and integrating results. Applicants had further included which component or business method function of the system performed the claimed method steps. While Applicants believe that the claim language clearly recited a

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method, nonetheless amendments are being submitted herein to further the prosecution of the application.

Claims 1 and 2 have been rejected as anticipated by Walker patent 6,119,100. Applicants first note that the Examiner did not explicitly reject the language of Claim 1. Applicants can only conclude that the language has not been expressly rejected an anticipated since it had also been rejected under 35 USC 112. As discussed above, Applicants believe that the 112 rejections are not appropriate, but have nonetheless amended the language of Claim 1. Claim 1 now recites a system for providing controlled inventory depletion of time-sensitive inventory from a supplier site having existing business management systems comprising: a front-end identifying function for identifying time-sensitive inventory to be offered for selective sale; a sell off component for offering inventory for selective sale and for handling communications with prospective buyers; and a back-end integration component for automatically integrating the results of the selective sale into the management systems at said supplier site.

Applicants respectfully contend that the Walker patent does not teach or suggest the invention as claimed by Claim

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1. The Walker patent provides a method and apparatus for managing the sale of "aging" products wherein a store controller stores predefined product information including a series of prices for a product and an effective period during which the product will be offered for each of the prices. The Walker patent does not disclose a front-end identifying function for identifying time-sensitive inventory to be offered for selective sale. Walker does not dynamically identify time-sensitive inventory. Rather, Walker simply retrieves the stored product information in response to a customer offer. Applicants note that the Examiner has acknowledged that "Walker et al do not explicitly recite an element which identifies time-sensitive inventory" in paragraph 7 of the Office Action.

With regard to the claim feature of a sell off component for offering inventory for selective sale and for handling communications with prospective buyers, Applicants believe that Walker does not provide a sell off component for offering items for selective sale. Walker does not teach or suggest selective sale of items. All Walker items are available at all times, just at different prices according to the stored product information. Walker neither

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teaches nor suggests selective sale of particular items which have been identified for selective sale.

Applicants further assert that Walker does not teach or suggest a back-end integration component for automatically integrating the results of the selective sale into the management systems at the supplier site. Walker makes no mention of management systems nor of tracking the sale back into a supplier site.

It is well established under U. S. Patent Law that, for a reference to anticipate claim language under 35 USC 102, that reference must teach each and every claim feature. Since the Walker patent does not teach the identifying function, the sell off component, or the integration component as claimed, it cannot be maintained that the Walker patent anticipates the invention as claimed.

Claims 3-26 have been rejected as unpatentable over the above-discussed Walker patent in view of a different Walker patent, namely 6,052,667, "Walker '667". The Examiner has expressly stated that "Walker et al do not explicitly recite an element which identifies time-sensitive inventory", but asserts that the latter Walker '667 patent does show such an element. The Examiner does not, however, cite any specific

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passage of the Walker `667 patent in rejecting the claim language.

The Walker `667 patent is directed to a method and system for selling an aging food product as a substitute for an ordered product. When a food product has been assembled, a record is created for the food product, including what the product is and when it was prepared. All relevant food products have predefined time limits for sale which are stored in tables. Based on the time that the food product was created and the predefined time limits for sale, the Walker `667 system creates a disposal record for the food product which tracks when a food product can be sold and when it must be discarded, similar to the predefined time/price list from the above-discussed Walker patent. Further, the Walker `667 system may offer the food product as a substitute for an ordered food product and may offer the food product at a discount price prior to expiration of the predefined time limit (see: e.g., Col. 5, lines 60-61). The Walker `667 patent fails to provide details as to how a food product is "entered" into the system. When a food product is prepared, it is a human operator who must input the time and product type, so that the system can pull up

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the appropriate predefined time limits and create entries for the disposal table. While the Walker '667 system can track the times for the food product based on the created disposal table, such is not the same as nor suggestive of dynamically identifying time-sensitive inventory for sell off. Walker '667 does not identify the inventory item as time-sensitive, such is preprogrammed into the Walker '667 system based on its predefined tables and human-input information. Applicants respectfully assert that the Walker '667 patent teachings do not obviate the invention as claimed.

Moreover, an important feature of the present invention is not taught or suggested by either Walker patent. The present invention integrates the results of any sell off of time-sensitive inventory with existing, "legacy" management systems. As detailed, for example, on page 10 of the present application, such components as accounting software, forecasting software, inventory tracking software, sales tracking software, production software, and respective databases are automatically provided with sell off results. All of the pending claims expressly recite the integrating function. There is nothing in the teachings of either

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Walker patent which anticipates or obviates the integrating component/function. Accordingly, Applicants argue that an obviousness rejection simply cannot be sustained.

Based on the foregoing amendments and remarks, Applicants respectfully request entry of the amendments, reconsideration of the amended claim language in light of the remarks, withdrawal of the rejections, and allowance of the claims.

Respectfully submitted,

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